

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
FEBRUARY 26, 2014**

Meeting called to Order by Vice-Chairman Steve Barthelmes at 7:30 p.m.

Reading of Adequate Notice by Mr. Morelli.

Salute to the Flag and observance of a moment of silence for the troops.

Mr. Novellino is away on business and is unable to attend the reorganizational meeting.

Re-Appointed Members Messrs. Lambros and Mostyn were sworn in by Attorney Greg Vella.

Roll Call: Present - Barthelmes, Frost, Lambros, Bailey, Conoscenti, Mostyn and Ferro.
Absent - Novellino.

Election of Officers began with a nomination for Chairman. Mr. Barthelmes made a Motion to nominate Michael Novellino to serve as Chairman. Mr. Frost offered a Second. Roll Call Vote: Barthelmes, Frost, Lambros, Morelli, Bailey, Conoscenti and Mostyn voted yes to the election of Mr. Novellino to serve as Chairman.

Congratulations to Mr. Novellino.

Mr. Morelli made a Motion to nominate Steve Barthelmes to serve as Vice-Chairman. Mr. Conoscenti offered a Second. Roll Call Vote: Morelli, Conoscenti, Bailey, Frost, Lambros, Mostyn and Ferro voted yes to the election of Mr. Barthelmes to serve as Vice-Chairman.

Congratulations to Mr. Barthelmes. Mr. Barthelmes thanked the Board

The Motion to appoint Pamela D'Andrea as the Board Secretary was made by Mr. Lambros with a Second offered by Vice-Chairman Barthelmes. Roll Call vote was taken: Lambros, Barthelmes, Mostyn, Morelli, Bailey, Conoscenti and Frost voted yes to appoint Ms. D'Andrea.

Ms. D'Andrea thanked the Board.

The Township has a fair and opening bidding process for the appointment of Board professionals. No bids were received outside of those submitted by the present Board.

The Motion to appoint Gregory W. Vella, Esq. of the firm of Collins, Vella & Casello, L.L.C. as Board Attorney was made by Mr. Lambros with a Second offered by Mr. Bailey. Roll Call

Vote: Lambros, Barthelmes, Bailey, Conoscenti, Morelli, Frost and Mostyn voted yes to appoint Gregory W. Vella, Esq.

Attorney Vella thanked the Board.

The Motion to appoint Leon S. Avakian, Inc. as the Board Engineering firm with Matt Shafai, P.E. as the principal Engineer was made by Mr. Frost with a Second offered by Mr. Mostyn. Roll Call Vote: Frost, Mostyn, Morelli, Barthelmes, Conoscenti, Lambros, and Bailey yes to appoint Mr. Shafai.

Mr. Shafai thanked the Board.

The Motion to appoint the firm of Coppola and Coppola with Richard Coppola as principal Board Planner was made by Mr. Frost and a Second offered by Mr. Mostyn. Roll Call Vote: Frost, Mostyn, Morelli, Barthelmes, Conoscenti, Lambros, and Bailey voted yes to appoint Richard Coppola, P.P.

Mr. Coppola, the Planner for the evening, thanked the Board.

The Motion to appoint Angela Buonantuono as the Board Court Reporter was made by Mr. Frost and a Second offered by Mr. Bailey. Roll Call Vote: Frost, Bailey, Barthelmes, Morelli, Lambros, Conoscenti and Mostyn voted yes to appoint Ms. Buonantuono.

The Motion to designate The Asbury Park Press and The Messenger Press as the official Board newspapers was made by Mr. Lambros with a Second offered by Mr. Bailey offered a Second. Roll Call vote was taken: Lambros, Bailey, Morelli, Barthelmes, Conoscenti, Frost and Mostyn voted yes to designate the official newspapers.

The Motion to adopt a regular monthly meeting schedule for 2014 and the first meeting date of 2015 with the meetings to begin at 7:30 p.m. in the Municipal Building located at 215 Millstone Road, Millstone Township, New Jersey, was made by Mr. Lambros and a Second offered by Mr. Bailey. Roll Call Vote: Lambros, Bailey, Morelli, Barthelmes, Conoscenti, Frost and voted yes to as follows:

January 29, 2014	July 23, 2014
February 26, 2014	August 27, 2014
March 26, 2014	September 24, 2014
April 23, 2014	October 22, 2014
May 28, 2014	November 13, 2014 (Thursday)
June 25, 2014	December 11, 2014 (Thursday)
	January 28, 2015

Vice-Chairman Barthelmes read the dates into the record.

Approval of Minutes: August 22, 2013

The eligible members having reviewed the minutes, Mr. Mostyn made a Motion to approve and Mr. Morelli offered a Second. Roll Call Vote: Mostyn, Morelli and Ferro voted yes to approve.

NEW APPLICATION:

Z13-07 RIVIERE, PAUL, SR. – Block 9, Lot 9.01. Located at 720 Perrineville Road, consisting of one (1) acre in the RU-P zone. Applicant seeks variance relief to construct a single-family dwelling and pole barn on the property. Lot is undersized for the Zone. Deemed Complete on: 2-7-14. Date of Action 6-7-14. Noticing required. Paul Riviere, Jr., Esq. representing the applicant.

Board Attorney Greg Vella read the following exhibits into the record:

- A-1 Noticing jurisdictional packet
- A-2 Notice to Abutting Property to purchase property
- A-3 Application dated 1-8-14
- A-4 Web Notice Application dated
- A-5 Survey of Property prepared by Midstate Engineering, Inc. dated 6-10-11
- A-6 Bulk Variance Plan prepared by Midstate Engineering, Inc. dated 11-04-13 last revised 2-4-14
- A-7 Sketch Plot Plan prepared by Midstate Engineering, Inc. 6/10/11, Last Revised 2/22/13 approved by NJDEP 3-8-2013
- A-8 Aerial of Property (Google Maps 2014)
- A-9 Revised Drawing Plan last revised 2-14-14
- A-10 Four pictures of adjacent commercial property
- A-11 One picture of easterly neighbor house
- A-12 One picture of trees in front of subject property
- BOA-1 Report of Engineer Matt Shafai dated 1-23-14
- BOA-2 Report of Planner Richard Coppola dated

Chester DiLorenzo, P.E., P.P., P.L.S. is testifying tonight as a professional planner and engineer. He is known to the Board and has testified before the Board in the past and is accepted as an expert witness.

Attorney Riviere provided a brief overview of the property. The lot is an isolated non-conforming lot with no land to buy or sell. The lot size is just shy of complying with the grandfather clause. He offered that by the Board granting the variance there would be no detriment to the zone plan or to the public good. Attorney Riviere stated that the applicant is before the Board seeking C1 or bulk variance.

Mr. DiLorenzo stated that on to the south side of Perrinville Road, one acre is contiguous to Lot 9.13. A small wetland area exists on west side that wraps around Lot 9.01. The Lot has a small stream border.

Mr. DiLorenzo explained that they had applied to the NJDEP for a footprint of disturbance. He explained that the wetland is not located on the applicant's property but the buffer to the wetland is. Paul Riviere, Sr. would like to construct a house on that lot. He has no dwelling plan at this time. He wants to build a pole barn on the west side of the property. Mr. DiLorenzo explained the surrounding properties topographical elements.

Mr. DiLorenzo stated that the applicant wants to build a house and buffer his property from the commercial use. He explained that the lot is woefully undersized for the standards of the RU-P Zone. He further explained that they do not fall under the grandfather clause due to the buffer area to the wetlands. They wanted to push the dwelling toward the back of the property and locate it closer to easterly side of the property toward the residential neighbor rather than the commercial neighbor.

Mr. DiLorenzo stated that due to the environmental constraints of the property, they do not comply with the grandfather clause for undersized lots. Board Planner Coppola discussed this in his report.

The applicant sent out certified mailing, return receipt requested letters (Exhibit A-2) to abutting property owners to see if they were interested in buying/selling property to make his lot a conforming lot. The applicant advised that no one was interested in that proposition.

Mr. DiLorenzo advised that were two issues regarding variances. The R-80 Zone for building and lot coverage for the upland portion of the lot, as indicated in Mr. Coppola's report. Then the building coverages are fine.

Mr. DiLorenzo presented a revised to 2-14-14 plan that reflects the removal of the horseshoe driveway. The Board reviewed the change made to remove the horseshoe driveway and the proposal for two driveways; one from the pole barn and one from the house.

Attorney Vella swore in the applicant Paul Riviere, Sr. Mr. Riviere explained that he does not want to cause the neighboring commercial site any trouble. He wants to mitigate their view from the commercial property. He explained that there is a nice house on one side of their property and the commercial property on the other side. Mr. Riviere advised the Board that he would be amenable to planting an additional buffering of trees. Attorney Vella discussed creating more functionality. The applicant advised that the first 10 feet of the driveway area, the aprons, are paved and the rest is gravel.

The applicant will place the buffer in a conservation easement.

The applicant advises that they did reduce the impervious coverage.

Mr. Coppola suggested to the Board that they grant variances that apply to the lot and building coverage for the useable area for the R-80 Zone. Mr. Coppola offered it would work if the Board approves this application with the provision that the applicant has the R-80 Zone percentages and impervious surface coverage against the useable area. Scale and consistency were discussed.

Mr. Lambros asked if the Board can limit the sizes of the structures since it is an undersized lot.

Mr. Coppola advised that the setbacks that apply are the R-80 Zone setbacks. When it comes to the lot and building coverage, they don't meet the ordinance because they do not have an acre. The Board discussed the foot print and the size of the buildings.

Mr. Bailey advised that he had visited the property and took a look at the neighborhood. His concerns are that the proposed home fits in with what exists in the neighborhood.

Introduced into evidence as Exhibit A-11, are four (4) photographs of the easterly neighbor's home.

The Board discussed building a home that the applicant can live with that is not out of character in the neighborhood. Reducing the impervious coverage and making the dwelling more consistent with the neighborhood was discussed.

Mr. Frost had concerns with the scale of what the applicant wants to develop compared to their neighbors.

The Board and professionals discussed reducing the driveways to one single driveway which would eliminate some of the impervious coverage.

Board Planner stated that there are several things that are going on regarding this property. He advised that the Board cannot micromanage and design the applicant's house. The requirements for the R-80 Zoning district apply. The building and lot coverage for the R-80 Zone would apply against the useable area of the lot and the size of the 3,150 s.f. home.

Mr. DiLorenzo summarized the matter. He offered that the positive criteria the application seeks to advance the master plan and zoning plan and he stated that the application offers no detriment to either.

Board Planner Coppola discussed the Dallmeyer case and advised that the applicant has a right to build a house. Planner Coppola stated that if the Board is satisfied with the applicant's proofs that they could not purchase land or sell the land then they have a right to build a house. The Board is compelled to approve that. The Board can look at the scale and set limits.

Board Engineer Shafai advised that two conservation easement monuments are needed to mark the conservation easement area and that should be reflected on the plan. A grading plan would be provided at the time of constructing the building.

The unusable area would be deed restricted.

The Board could grant a waiver from planting street trees along the already wooded area. Marked into evidence is Exhibit A-12, photo facing south in front of property. The applicant advises he will be saving most of the existing trees.

Vice-Chairman opened the application to the public at 9:00 p.m.

Attorney Vella swore in Gregory Galliker, who owns property to the west, which is the commercial property. He explained his concern regarding the tremendous amount of runoff from Route 571. He is concerned that construction on this property will cause runoff onto his property.

Mr. Galliker explained that he has wetlands on his property and the water is problematic. He stated that he fights a water problem consistently. Had explained that the County came out and helped him. He has a high water table. He advised the Board that his property has been in existence since 1932.

Mr. Frost asked about environmental testing that has been done on the applicant's property.

Mr. Di Lorenzo advised that the NJDEP has been on the site and performed soil borings that did not reflect anything that triggered the need for further testing and he explained.

Attorney Riviere advised the prior owner was not a commercial entity. At closing, there was a title binder search as to the previous history. There was residential ownership and he did not see commercial ownership.

Mr. Vella advised that this is the jurisdiction of the NJDEP. The NJDEP has been on the site. They required the wetland buffer and aware of the adjoining neighbors. The NJDEP had their opportunity to require further testing and they let it go. The applicant feels safe and is

comfortable to live on the property. Engineer Shafai advised that the ordinance does not require testing on individual lots.

Vice-Chairman Barthelmes closed the application to the public at 9:15 p.m.

Should the Board vote positively, Attorney Vella read conditions of approval including but not limited to: The pole barn will have leaders, Engineer Shafai will review the plan to assure that water drainage goes to the south, usable area to the R-80 Zoning and impervious coverage; total usable area is capped at 3,150 square feet for the home and is separate from building coverage requirement, two conservation easement markers to be posted, conservation easement deed to be prepared and recorded, waiver from street tree planting since the applicant will save trees in front but if removed they will plant trees in the front; compliance with ten (10) percent of buildable area and the R-80 Zone requirements, etc.

Mr. Morelli offered a Motion to approve as conditioned and Vice-Chairman Barthelmes offered a Second. Roll Call Vote: Morelli, Barthelmes, Frost, Lambros, Bailey, Conoscenti and Mostyn voted yes to approve.

NEW BUSINESS:

Vice-Chairman Announced that Messrs. Morelli and Bailey had perfect attendance for 2013 and have received a Certificate of Appreciation.

Annual Report: All Board members have had the opportunity to review the Annual Report prepared by Attorney Vella. Mr. Morelli made a Motion to approve the Annual Report and Mr. Mostyn offered a Second. Roll Call Vote: Morelli, Mostyn, Barthelmes, Lambros, Bailey, Conoscenti and Frost voted yes to the approval.

Seeing no further business, Vice-Chairman Barthelmes asked for a Motion to Adjourn. Mr. Lambros made the Motion and Mr. Conoscenti offered a Second and by unanimous vote, the meeting adjourned at 9:25 p.m.

Respectfully submitted,

Pamela D'Andrea